

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

Zakkyah McNeil,

Plaintiff,

v.

Case No. 3:16-cv-162

District Judge Thomas M. Rose

Magistrate Judge Michael J. Newman

Nancy Berryhill,

Acting Commissioner of Social Security,

Defendant.

**ENTRY AND ORDER ADOPTING REPORT AND
RECOMMENDATIONS OF MAGISTRATE JUDGE MICHAEL J.
NEWMAN (DOC. 10), OVERRULING DEFENDANT'S OBJECTIONS
(DOC. 11), FINDING THE ALJ'S NON-DISABILITY
DETERMINATION TO BE UNSUPPORTED BY SUBSTANTIAL
EVIDENCE AND REVERSED; REMANDING THIS MATTER TO THE
COMMISSIONER UNDER THE FOURTH SENTENCE OF 42 U.S.C. §
405(g) FOR PROCEEDINGS CONSISTENT WITH THIS OPINION;
AND TERMINATING THE INSTANT CASE.**

This matter comes before the Court pursuant to Objections (Doc. 11) to the Report and Recommendations of Magistrate Judge Michael J. Newman (Doc. 10) recommending that the Commissioner's non-disability finding be found unsupported by substantial evidence, and reversed; and that this matter be remanded to the Commissioner under the Fourth Sentence of 42 U.S.C. § 405(g) for proceedings consistent with this opinion; and that this case be closed.

The Court has reviewed the findings of the Magistrate Judge and, pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), this Court has made a *de novo* review of the record in this

case. Upon consideration of the foregoing, the Court finds the Objections (Doc. 11) are not well-taken and, for the reasons stated in Magistrate Judge Newman's opinion, are hereby **OVERRULED**.

The Court **ADOPTS** the Report and Recommendations (Doc. 10) in its entirety. The Commissioner's non-disability finding is unsupported by substantial evidence and is hereby **REVERSED**. Plaintiff's application for Supplemental Security Income is **REMANDED** to the Social Security Administration for further proceedings consistent with the Report and Recommendation. The instant case is **TERMINATED** on the docket of the United States District Court for the Southern District of Ohio, Western District at Dayton.

DONE and **ORDERED** this Friday, September 29, 2017.

s/**THOMAS M. ROSE**

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE